

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
RENTON, WASHINGTON 98055-4056**

In the matter of the petition of

**Aviation Services, Ltd. d.b.a. Freedom Air**

for an exemption from § 121.314(c) of Title 14,  
Code of Federal Regulations

**Regulatory Docket No. FAA-2001-9134**

**AMENDED GRANT OF EXEMPTION**

By letter of August 30, 2002, Mr. Andy Pellacani, Director of Safety, Aviation Services, Ltd., d.b.a. "Freedom Air," Guam International Airport, P.O. Box 1578, Hagåtña, GUAM 96932, petitioned the Federal Aviation Administration for an amendment to Exemption No. 7466B, issued to Freedom Air on April 15, 2002. That grant of exemption from certain requirements of § 121.314(c) allowed Freedom Air to operate, until August 31, 2002, one SD3-30 airplane beyond the cargo compartment modification deadline of March 19, 2001. The petitioner requests an extension through October 15, 2002, or through the fifth day after delivery to Freedom Air of one properly configured fire canister by Kidde Aerospace, whichever is sooner.

**The petitioner requests relief from the following regulations:**

**Section 121.314(c)** requires that after March 19, 2001, each Class D compartment, regardless of volume, must meet the standards of §§ 25.857(c) and 25.858 of this Chapter for a Class C compartment unless the operation is an all-cargo operation in which case each Class D compartment may meet the standards in § 25.857(e) for a Class E compartment.

**Section 25.857(c)** requires that a Class C cargo or baggage compartment have:

- (1) A separate approved smoke detector or fire detector system to give warning at the pilot or flight engineer station,
- (2) An approved built-in fire extinguishing or suppression system controllable from the cockpit,
- (2) Means to exclude hazardous quantities of smoke, flames, or extinguishing agent, from any compartment occupied by the crew or passengers, and
- (3) Means to control ventilation and drafts within the compartment so that the extinguishing agent used can control any fire that may start within the compartment.

**Section 25.858** requires:

- (a) The detection system must provide a visual indication to the flightcrew within one minute after the start of a fire,
- (b) The system must be capable of detecting a fire at a temperature significantly below that at which the structural integrity of the airplane is substantially decreased,
- (c) There must be means to allow the crew to check in flight, the functioning of each fire detector circuit, and
- (d) The effectiveness of the detection system must be shown for all approved operating configurations and conditions.

**The petitioner's supportive information is as follows:**

“The Class D cargo compartment conversion kit has been completely installed in accordance with Shorts Service Bulletin SD330-26-26. We were contacted by Shorts yesterday to perform certain checks on the two fire bottles. It was found that the smaller fire bottle was not electrically wired IAW [in accordance with] with the approved drawing from Shorts.

“Mr. Michael Mulholland’s letter to you dated August 28, 2002, indicated that Walter Kidde Aerospace, the manufacturer of the bottle, is able to re-work the bottle and return it the same day it was received.

“Because of the distance and time differences between Guam and the manufacturer and the nature of the “HAZMAT” designation of the fire bottle, it may require shipping only

by surface freight. In this regard we are requesting an extension of the current exemption from August 31, 2002, to October 15, 2002, or five days after receipt of the repaired fire bottle.”

Your approval of the additional time extension is important and crucial to the Islands in the Marianas. The approval would avoid creating a hardship and continue the economic well being for the island community by allowing essential air transportation.

Further, given the recent discovery of the noncompliant fire canisters, the usual 120-day advance filing requirement could not be met.

### **Notice and Public Procedure**

The FAA has determined that good cause exists for waiving the requirement for Federal Register publication because any delay in acting on this petition would be detrimental to Aviation Services, Ltd., d.b.a. “Freedom Air.”

### **The Federal Aviation Administration's analysis/summary is as follows:**

In granting the previous exemption extension, the FAA thought that the last 138-day extension was reasonable. We now recognize that due to apparent difficulties encountered by the petitioner, compliance cannot be met under the terms of Exemption No. 7466B and a further extension is now being sought.

Prior to the submittal of the petition, in a teleconference on August 28, 2002, the petitioner was advised that granting an extension of the compliance date to his petition for exemption was predicated upon receipt by the FAA of paperwork showing: (1) a detailed explanation of the problem encountered by the petitioner that resulted in its inability to meet the August 31, 2002, deadline, and (2) a confirmation from the fire bottle manufacturer (Kidde Aerospace) to the petitioner of a firm delivery date.

The FAA considers that receipt of the following information constitutes fulfillment of the paperwork requirements: (1) email-letter dated August 28, 2002, from the aircraft manufacturer, Shorts, of an explanation of the problem, and (2) e-mail letter from Kidde Aerospace dated August 28, 2002, confirming a delivery date of September 30, 2002, of the modified bottles.

To extend this exemption, we have determined that it is necessary to retain the same additional conditions relative to the previous exemption to minimize the possibility of fire in the cargo compartment, and to minimize its impact should a fire occur, in order to provide an acceptable level of safety.

This amendment refers to the same airplane identified in the section "Description of Each Aircraft to be Covered" in Exemption No. 7466 [available in the Docket].

In consideration of the foregoing, I find that a grant of exemption is in the public interest and will not adversely affect the level of safety provided by the regulations. Therefore, pursuant to the authority contained in 49 U.S.C. 40113 and 44701, delegated to me by the Administrator, the petition of Aviation Services Ltd., d.b.a. "Freedom Air," for an amendment to Exemption 7466B from the provisions of § 121.314(c) is hereby granted. This exemption is granted to the extent necessary to allow its one Model SD3-30 airplane to operate through October 15, 2002, or through the fifth day after delivery to Aviation Services, Ltd. (Freedom Air) of the repaired fire bottle by Kidde Aerospace, whichever is sooner.

All other provisions of Exemption 7466B, together with associated conditions and limitations, remain the same and are applicable to this amendment. This amendment is part of, and shall be attached to, Exemption 7466B.

Issued in Renton, Washington, on August 30, 2002.

*/s/ Kalene C. Yanamura*

Kalene C. Yanamura  
Acting Manager  
Transport Airplane Directorate  
Aircraft Certification Service